

REMARKS

The application has been amended to correct minor informalities so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as the result of the foregoing modifications.

In the Office Action dated January 23, 2006, the Examiner rejected Claims 1, 12 and 15 under 35 U.S.C. §102(b) as being anticipated by Godbersen, U.S. Letters Patent No. 5,161,622. The Examiner has also rejected Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Godbersen '622 in view of Japanese reference '453. The Examiner stated that it would have been obvious at the time the invention was made to have utilized a linear actuator as the buffering means in Godbersen '622 as disclosed in Japanese reference '453 for greater buffering stability. Applicant respectfully traverses the Examiner's combination of the art as there is no teaching nor suggestion in any of the cited art for combining any type of linear actuator associated with a reclining device for a chair with an agricultural toolbar.

The Examiner has also rejected Claim 6-9 and 13-14 under 35 U.S.C. §103 as being unpatentable over Godbersen '622 in view of Friggstad, U.S. Letters Patent No. 4,355,689. The Examiner has also rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over Godbersen '622. In view of the foregoing, Applicant has amended Claim 1 to include the limitation of the agricultural toolbar including and first and second arm defining an area sufficient to accommodate the passage of a plant at least approximately one meter in height.

This language is taken from Applicant's co-pending application No. 10/219,123 which has been allowed subsequent to appeal. As neither Godbersen nor Friggstad teach or suggest Applicant's newly claimed combination in conjunction with a high clearance toolbar, and as the provision of a high clearance system in either Godbersen or Friggstad would defeat the purpose of either of those inventions, Applicant respectfully submits it would not be obvious to one of ordinary skill in the art to make such a combination.

Based on the foregoing, Applicant respectfully submits that the newly amended Claim 1 is allowable over the cited prior art. Applicant, therefore, requests reconsideration be given to Claim 1 and the claims which further depend from and limit Claim 1, namely Claims 3, 6-9 and 12-16, and pass them on to allowance at this time.

Applicant has also included newly amended Claim 21, which includes the limitation of the buffering system being a linear actuator utilizing fluid movement to accomplish the buffering. Although it is known in the art to provide linear actuators in conjunction with agricultural toolbars, the use of the toolbar to cause movement of the fluid within the cylinder sufficient to provide a buffering capacity, rather than the prior art technology of mechanically moving fluid within the linear actuator to move the toolbar, is not suggested or taught by any of the cited art. Neither the Japanese reference, Godbersen '622, nor Friggstad '689 teach or suggest such a combination. Accordingly, Applicant respectfully requests allowance of Claim 21 and dependent Claims 22 and 23.

The Examiner is respectfully urged to call the undersigned at 515-288-9263 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present

application which will be effective to define the patentable subject matter of the present invention if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

By 

Brett J. Trout, Reg. No. 37,250

516 Walnut

Des Moines, IA 50309